

26-50-101. Title.

This chapter is known as the "Traumatic Brain Injury Fund."

Enacted by Chapter 325, 2008 General Session

26-50-102. Definitions.

As used in this chapter:

- (1) "Committee" means the advisory committee created by the executive director pursuant to Section 26-50-202.
- (2) "Fund" means the Traumatic Brain Injury Fund created in Section 26-50-201.

Enacted by Chapter 325, 2008 General Session

26-50-201. Traumatic Brain Injury Fund.

- (1) There is created an expendable special revenue fund entitled the Traumatic Brain Injury Fund.
- (2) The fund shall consist of:
 - (a) gifts, grants, donations, or any other conveyance of money that may be made to the fund from private sources; and
 - (b) additional amounts as appropriated by the Legislature.
- (3) The fund shall be administered by the executive director.
- (4) Fund money may be used to:
 - (a) educate the general public and professionals regarding understanding, treatment, and prevention of traumatic brain injury;
 - (b) provide access to evaluations and coordinate short-term care to assist an individual in identifying services or support needs, resources, and benefits for which the individual may be eligible;
 - (c) develop and support an information and referral system for persons with a traumatic brain injury and their families; and
 - (d) provide grants to persons or organizations to provide the services described in Subsections (4)(a), (b), and (c).
- (5) Not less than 50% of the fund shall be used each fiscal year to directly assist individuals who meet the qualifications described in Subsection (6).
- (6) An individual who receives services either paid for from the fund, or through an organization under contract with the fund, shall:
 - (a) be a resident of Utah;
 - (b) have been diagnosed by a qualified professional as having a traumatic brain injury which results in impairment of cognitive or physical function; and
 - (c) have a need that can be met within the requirements of this chapter.
- (7) The fund may not duplicate any services or support mechanisms being provided to an individual by any other government or private agency.
- (8) All actual and necessary operating expenses for the committee and staff shall be paid by the fund.
- (9) The fund may not be used for medical treatment, long-term care, or acute care.

Amended by Chapter 400, 2013 General Session

26-50-202. Traumatic Brain Injury Advisory Committee -- Membership -- Time limit.

(1) On or after July 1 of each year, the executive director may create a Traumatic Brain Injury Advisory Committee of not more than nine members.

(2) The committee shall be composed of members of the community who are familiar with traumatic brain injury, its causes, diagnosis, treatment, rehabilitation, and support services, including:

(a) persons with a traumatic brain injury;
(b) family members of a person with a traumatic brain injury;
(c) representatives of an association which advocates for persons with traumatic brain injuries;

(d) specialists in a profession that works with brain injury patients; and
(e) department representatives.

(3) The department shall provide staff support to the committee.

(4) (a) If a vacancy occurs in the committee membership for any reason, a replacement may be appointed for the unexpired term.

(b) The committee shall elect a chairperson from the membership.

(c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the committee.

(d) The committee may adopt bylaws governing the committee's activities.

(e) A committee member may be removed by the executive director:

(i) if the member is unable or unwilling to carry out the member's assigned responsibilities; or

(ii) for good cause.

(5) The committee shall comply with the procedures and requirements of:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(6) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7) Not later than November 30 of each year the committee shall provide a written report summarizing the activities of the committee to:

(a) the executive director of the department;

(b) the Health and Human Services Interim Committee; and

(c) the Social Services Appropriations Subcommittee.

(8) The committee shall cease to exist on December 31 of each year, unless the executive director determines it necessary to continue.

Amended by Chapter 242, 2012 General Session